

**SUPREME COURT MINUTES
THURSDAY, JULY 21, 2005
SAN FRANCISCO, CALIFORNIA**

S012945

PEOPLE v. DAVIS (STANLEY BERNARD)

Opinion filed: Judgment affirmed in full

We vacate the robbery conviction with respect to victim Michelle Boyd. We affirm the judgment in all other respects.

Majority Opinion by Kennard, J.
--- joined by George, C.J., Baxter, Werdegarr, Chin & Moreno, JJ.

S112505

B161777 Second Appellate District,
Division Four

ROBERTS (ORLANDO) ON H.C.

Opinion filed: Judgment affirmed in full

Because we have disagreed with the Court of Appeal solely with respect to its determination that the proper venue for the petition for writ of habeas corpus challenging the determination that petitioner is unsuitable for parole lies in the county and corresponding appellate district in which petitioner is incarcerated, and we do not disturb the Court of Appeal's decision that petitioner is ineligible to have a primary term fixed prior to a finding of suitability for parole, we affirm the judgment of the Court of Appeal denying the petition for writ of habeas corpus.

Opinion by George, C.J.
--- joined by Kennard, Baxter, Werdegarr, Chin & Moreno, JJ.

S028970

PEOPLE v. STITELY (RICHARD)

Order filed

The order filed on July 20, 2005, granting the stay of execution of sentence of death is amended to read, in its entirety;

The "Application for Emergency Stay of Execution of Sentence of Death," filed on June 24, 2005, is granted. Execution of the

judgment of death entered against Richard Stitely by the Superior Court of Los Angeles County and affirmed by this court on March 21, 2005 (35 Cal.4th 514), is hereby stayed pending final determination of (1) the petition for certiorari pending in the United States Supreme Court (04-10679) and (2) the petition for writ of habeas corpus pending in this court (S115894).

S135584

JOHNSON v. S.C (PEOPLE)
Transferred to CA 2

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S132861

VIRSIK ON DISCIPLINE
Final discipline vacated

The order filed on June 28, 2005, imposing discipline on Thomas Steven Virik is hereby vacated.

S135734

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT

The Executive Director/Secretary of the State Bar of California having on the **21st day of July 2005** filed in this court its resolution recommending suspension from practice and membership in the State Bar of California of the members hereinafter named whose names appear on the certified list prepared by the California Department of Child Support Services as being in arrears in payment of support obligations and who have failed to obtain a release from the appropriate local Child Support agency; and it being provided by Family Code section 17520 that any member so failing must be suspended from membership;

IT IS ORDERED that the persons hereinafter

named are and each of them is suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **August 22, 2005**;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code section 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and such person shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided each of the persons named shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding oneself out to the public as an attorney or counsel at law.

(List of Names Attached to Original Order)

B179092 Second Appellate District

W.G. WELLS et al. v. RICHARD CIOTTI
Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division One to Division Two.